

1. Capacity – LDNR has not demonstrated the required fundamental competence to oversee a Class VI UIC program.

The regulatory work of permitting, monitoring, and enforcement have proven to be problematic for LDNR, as evidenced by overwhelming citizen complaints and performance audits conducted by the Louisiana State Legislative Auditor.

LDNR's primacy application to the EPA comes after it has developed a staggering record of mismanagement that includes neglected oil spills, abandoned and orphaned wells, the Bayou Corne sinkhole disaster, and the Grand Bois oil waste facility.

The LDNR does not have the necessary human or financial resources to administer the permitting, monitoring, or enforcement components of its delegated programs.

Given the LDNR's lack of capacity, it would be reckless to delegate to it primacy over the Class VI UIC program that involves technologies which have failed at 80 percent of carbon capture projects around the world and pose significant risks for human health, the environment, and the climate crisis.

2. Environmental Justice – Louisiana's industrial facilities that produce 66% of Louisiana's greenhouse gas emissions (the highest such levels of toxics emissions in the US) are sited and continue to expand within predominately Black (80%) and low-income (100%) communities. That unprecedented degree of environmental injustice raises procedural and substantive concerns regarding the impacts from the expanded industrial footprints that will be required for carbon capture technologies, including pipelines routed through and storage facilities placed within already burdened communities and fragile ecosystems.

- To be blunt, an additional large scale industrial expansion of capture technologies and pipelines in the same place where an historic toxic industrial presence is concentrated in Black and low-income communities is the definition of environmental injustice.
- LDNR, the agency seeking to be the regulator of underground disposal of carbon waste, has incorrectly answered expressions of concerns about environmental injustice with responses such as "those social issues are outside of our regulatory responsibilities." The LDNR takes the shockingly untenable position that compliance with nondiscrimination laws of the United States is not part of its duty as a recipient of federal funds. This indicates a systemic failure at LDNR that is violative of Title VI of the Civil

Rights Act of 1964.

3. Scale – The scale of carbon capture and storage development currently proposed for Louisiana is completely unprecedented.
 - Louisiana officials expect to permit 6-8 Class VI wells in the next year alone. That amount is greater than the total of all permitted Class VI wells in the rest of the US.
 - Air Products recently proposed to build the largest carbon capture and sequestration project in the world in Ascension Parish to create a \$4.5 billion "blue hydrogen" gas production.
 - Net Zero America, a project of Princeton University to identify pathways for the US to achieve net zero emissions by 2050, has proposed as one of its pathways that Louisiana receive up to 75% of US-captured emissions through pipelines from other parts of the country. While the potential to turn south Louisiana into a gigantic CO2 dumping ground is terrifying to communities in Louisiana, the massive scale of such an undertaking is a cause of national concern that should be governed by federal laws and regulations instead of being left to the politics and development predilections of a single state.
4. Long-Term Liabilities – The announced projections for carbon capture and storage projects in Louisiana will require the long-term management of hundreds of millions of metric tons of corrosive carbon emissions, using technologies unproven at this scale, by an economically poor state with a history of environmental and natural resource agencies that have been captured by the industrial and commercial businesses they are charged with regulating. The legal context of current carbon capture and storage proposals would impose the project liabilities on the State of Louisiana and its taxpayers after 10 years of operation.
5. Coastal Wetlands – While the locations of all the proposed and anticipated carbon capture and storage is not known, it is highly likely that many of the storage sites for disposing the carbon waste and the pipelines necessary to support them would be sited within the threatened coastal zone of Louisiana. This will ensure the destruction of existing wetlands in an area where mitigation within the basin is virtually impossible. Despite Louisiana's overall commitment to coastal wetlands restoration, it has so far proved largely unwilling to stop destructive development of pipeline routes, such as the Bayou Bridge Pipeline, that destroy wetlands.

- EPA maintain primacy over the permitting of Class VI wells on the basis that LDNR has not demonstrated it can perform the following: safely manage and ensure compliance with the Class VI program; ensure protections under the SDWA; and address environmental justice issues with the necessary integrity to meet the procedural, substantive, and legal standards. A dual Class VI permit structure, in which LDNR may implement its own state permitting program in addition to the EPA's program, may be a viable option at a later point.
- EPA require LDNR to demonstrate its willingness and capacity to comply with Title VI of the Civil Rights Act of 1964 and ensure environmental justice.
- EPA require LDNR to develop the expertise and staffing capacity to administer the Class VI regulatory program *prior* to receiving dual, let alone exclusive, permitting authority.

In
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